



## **MINUTES DUVALL HEARING EXAMINER**

**Rose Room - Duvall Library, 15619 Main Street N.E., Duvall  
Tuesday, May 2, 2006 at 6:30 PM**

### **1. Call to Order**

John Galt, Hearing Examiner, called the meeting to order at 6:32 pm. John Galt explained the procedures and rules for conducting a Hearing Examiner Meeting.

Staff members Doreen Booth, City Hall Administrator, Steve Leniszewski, City Engineer, and Kimberly Ahern, Administrative Assistant, were present.

### **2. Business Items:**

#### **Cottonwood Preliminary Plat**

Location: 27122 NE 145<sup>th</sup> Street

File No: SU05-006

Project Planner: Lara Thomas, Associate Planner

John Galt explained he had examined the site, the staff report and exhibits 1-20 for the Preliminary Long Plat Application. Bruce Knowlton, Cam West Development, 9720 NE 120<sup>th</sup> Street, Kirkland, WA 98034, Applicant for Cottonwood Preliminary Plat, was sworn in and testified to the proposed development of the site. He noted a wetland piece on the property which will contain a 50' buffer. He stated he had received and read the staff report (Exhibit 1), and agreed with the staff's recommendations and conditions as set forth in the report. Mr. Knowlton also noted that he was advised prior to the hearing that City staff wanted to modify a few conditions and he was in concurrence with those conditions.

Doreen Booth, City Hall Administrator, was sworn in by John Galt. Doreen was filling in for Lara Thomas, Associate Planner, for this project. Doreen noted a revision for the landscape changes, condition #54, page 13 of the Staff Report. Ms. Booth stated the condition should read as follows:

“The landscape plan shall be revised to include a Type II 10 foot landscape easement adjacent to lots 16, 17, and 24, and a 10 foot Type V landscape buffer around Tract 103, except that adjacent to lot 8, the

landscape buffer shall be a minimum of 5 feet and the remaining area (approximately 450 square feet) shall be located adjacent to Lot 7 in Tract 103. A 10 foot Type V landscape buffer is required in Tract 102 adjacent to NE 145<sup>th</sup> Street. Construction drawings shall be revised accordingly for review and approval.”

Bruce Knowlton acknowledged the condition and agreed to the changes.

Steve Leniszewski was sworn in and noted the following minor edits:

1. Page 6, Staff Recommendations. There are 66 conditions, not 69.
2. Condition 14; amended to read, “The applicant shall provide for a 5-foot setback off of all City of Duvall utility easements in accordance with DMC 14.64.090.”
3. Condition 22; amended to read, “NE 145<sup>th</sup> shall be built to collector arterial standards. There shall be a half street improvement consisting of a minimum of 20-feet of asphalt roadway, a five-foot planter strip, except where the roadway is adjacent to Tract 102 where the sidewalk shall be a adjacent to the back of curb, a 5-foot concrete sidewalk on the north side, as well as vertical faced curb and gutter. There shall be lateral interceptor drains installed under the roadway section to collect subterranean drainage at 400-foot intervals and they shall tie into the storm drainage network. The roadway construction shall also include the installation of storm drainage features and lifting sewer manholes and water valves to the proposed roadway elevations as well as any other utility items.”
4. Condition 50, amended to read, “All trees that are shown to be saved on the tree retention plan shall not be graded within 5 feet of the dripline of the tree, except as allowed under DMC 14.40.080. Trees shown as retained that are removed during construction shall be replaced consistent with the requirements of DMC 14.40.”
5. Condition 60, amended to read, “New hydrants shall be installed by the applicant in accordance with the Public Works Development Design Standards. The applicant will be required to install four inch Quarter Turn Storz Fitting on the large port of all new hydrants.”

**Public Comment:**

Juan Lira, 27107 NE Miller Street, Duvall, WA 98019, property owner of Lot 7 north of the construction site, asked if any trees, specifically a large Maple on/around lot 11, will be cut down. He expressed concern about the health of the remaining trees after trees are removed.

Doreen Booth explained that the developer is required to have an arborist examine the site prior to and after construction to determine the health of the trees. No trees on Mr.

Lira's property are proposed to be cut down. Mr. Knowlton will confirm the location of the maple tree.

The Hearing Examiner asked both the Applicant and City Staff if Exhibit 14 of the Staff Report, Legal Agreement between Owner and City dated February 24, 2004, had any legal bearing on these proceedings.

Doreen Booth stated that the agreement is not applicable at this time due to zoning changes, and moratorium termination. The City staff has already obtained part of the right-of-way and has been in contact with the owner of the remaining property to obtain the ROW dedication and is currently in process of doing so.

Bruce Knowlton stated that prior to the City's moratorium; there was Preliminary Plat Approval for these two parcels of land. The Plat was originally approved in February of 2004, but he will agree to vacate the prior Preliminary Plat Approval as a Condition set by the Hearing Examiner at this time.

John Galt asked for explanation of Exhibit 20- PSE Letter -of the Staff Report.

Bruce Knowlton referenced Exhibit 10 –Title Report-of the Staff Report and stated there was an old easement dating back to 1912. The easement is very non-specific (a 25' easement) and due to that, Cam West has purposely set back the home sites to avoid any access issues mentioned in Exhibit 20.

Bruce Knowlton stated that Cam West's intention was to obtain ROW dedication from the property owner to the West (Vanderweide 26900 NE 145<sup>th</sup> St, Duvall) He cited section 10 of Exhibit 14-Legal Agreement between Owner and City, regarding development fees in the amount of \$60,000 will be waived if the Developer obtains the ROW from the property owner instead of the City obtaining the ROW.

Doreen Booth reiterated her understanding that the settlement agreement is inapplicable at this time and would request the Hearing Examiner to halt approval of the Preliminary Plat Application at this time until this issue can be discussed with the City's legal counsel.

Marsha Martin, general counsel for Cam West, was sworn in. Ms. Martin stated she disagrees with halting the Hearing Examiner approval of this plat based on the above mentioned Agreement between the City/Owners/Cam West. She proposed that resolution of this issue is set as a condition to Final Plat Approval.

At 7:30 pm, John Galt called a recess for 20 minutes so that the City and Applicant can discuss.

John Galt called the hearing to order at 7:50 pm.

Doreen Booth proposed leaving the hearing open for 10 business days to resolve the settlement agreement. Applicant Bruce Knowlton agreed.

John Galt stated that the hearing will remain open for two matters only until close of business, 5pm-Friday, May 19, 2006, or until he receives a submittal by either the Applicant or City, either separately or jointly, in writing regarding vacating the previous Preliminary Plat originally approved by the City on February 23, 2004, and resolution of the settlement agreement for the right-of-way.

All parties agreed.

**7. Other Business**  
None

**8. Adjournment**

The meeting adjourned 8:00 p.m.